

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

RODNEY JAMES FORNESS,

Plaintiff,

v.

ORDER
05-CV-450A

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

The above-referenced case was referred to Magistrate Judge Hugh B. Scott, pursuant to 28 U.S.C. § 636(b)(1)(B). On January 29, 2007 Magistrate Judge Scott filed a Report and Recommendation, recommending that the decision of the Commissioner be reversed and the matter remanded for further administrative proceedings and also that defendant's motion for judgment on the pleadings should be denied and plaintiff's motion for similar relief in his favor should be granted.

The Court has carefully reviewed the Report and Recommendation, the record in this case, and the pleadings and materials submitted by the parties, and no objections having been timely filed, it is hereby

ORDERED, that pursuant to 28 U.S.C. § 636(b)(1), and for the reasons set forth in Magistrate Judge Scott's Report and Recommendation, the decision of the Commissioner is reversed and the matter remanded for further administrative proceedings and also that defendant's motion for judgment on the pleadings is denied and plaintiff's motion for similar relief in his favor is granted.

The Clerk of Court shall take all steps necessary to close the case.

SO ORDERED.

s/ Richard J. Arcara
HONORABLE RICHARD J. ARCARA
CHIEF JUDGE
UNITED STATES DISTRICT COURT

DATED: February 20, 2007